

**REMARKS**

Reconsideration of the rejections set forth in the Office Action mailed December 31, 2003, is respectfully requested. Claims 47 and 56 have been amended. Claims 1-46 have been canceled without prejudice. Claims 47-63 remain pending in this case. Support for these amendments can be found in the specification at, e.g., page 6, lines 20-29. Therefore, these amendments are made without introducing new matter.

**Art Rejections**

Claims 47-63 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Burbank et al. (USP 6,331,166). Applicants have amended independent claims 47 and 56 to require that “*the elongate tissue separator element cuts tissue as it is extended outwardly.*” In contrast, Burbank et al. describes a device in which the cutting element is energized *after* it has been expanded. (“Once the cutting element 20 is partially radially expanded as described supra, an inner portion of the target lesion 54 is isolated from surrounding tissue. To complete this step, the cutting element 20 is energized by the electrosurgical generator (not shown), after which the knob 34 is rotated ....”) (Col. 7, lines 11-15). Therefore, applicants respectfully assert that the prior art does not teach or suggest each and every limitation of the claims as amended and request withdrawal of the rejections.

**Information Disclosure Statement**

In addition, Applicants note that the **PTO-Forms 1449 submitted January 30, 2002, February 25, 2002, and August 12, 2002** were not returned to Applicant with initials in the left-

most column. Applicant respectfully requests that the Examiner return copies of PTO-Forms 1449 with the next correspondence.

**CONCLUSION**

If the Examiner has any questions regarding this communication, or feels that an interview might facilitate prosecution of the application, she is invited to contact the undersigned at (949) 737-2900.

Respectfully submitted,

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